

complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Preliminary Rescission of Sunbeauty New Shipper Review

For the reasons detailed in the Preliminary Decision Memorandum, the Department preliminarily finds that, Sunbeauty's sales under review are not *bona fide* transactions. As such, the Department preliminarily finds that we cannot rely on these sales to calculate a dumping margin and there are no sales on which we can base this review. Consequently, the Department is preliminarily rescinding the new shipper review of Sunbeauty.

#### Disclosure and Public Comment

The Department will disclose the analysis performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit written comments by no later than 30 days after the date of publication of these preliminary results of review.<sup>9</sup> Rebuttals, limited to issues raised in the written comments, may be filed by no later than five days after the written comments are filed.<sup>10</sup>

Any interested party may request a hearing within 30 days of publication of this notice.<sup>11</sup> Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.<sup>12</sup>

The Department intends to issue the final results of this new shipper review, which will include the results of its analysis of issues raised in any such comments, within 90 days of publication of these preliminary results, pursuant to section 751(a)(2)(B)(iv) of the Act.

#### Assessment Rates

Upon completion of the final results, pursuant to 19 CFR 351.212(b), the

Department will determine, and the U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. If we proceed to a final rescission of the new shipper review, Sunbeauty's entries will be assessed at the rate entered.<sup>13</sup> If we do not proceed to a final rescission of the new shipper review, pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific assessment rates. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*.<sup>14</sup>

#### Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this new shipper review, we will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Sunbeauty. If the Department proceeds to a final rescission of the new shipper review, the cash deposit rate will continue to be the PRC-wide rate. If we issue final results of the new shipper review for Sunbeauty, we will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties,

The Department is issuing and publishing these results in accordance with sections 751(a)(2)(B) and 777(i)(l) of the Act, and 19 CFR 351.214 and 19 CFR 351.221(b)(4).

Dated: November 29, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2016-29230 Filed 12-5-16; 8:45 a.m.]

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<sup>9</sup> See 19 CFR 351.309(c).

<sup>10</sup> See 19 CFR 351.309(d).

<sup>11</sup> See 19 CFR 351.310(c).

<sup>12</sup> See 19 CFR 351.310(d).

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-557-816]

#### Certain Steel Nails From Malaysia: Preliminary Results of the Changed Circumstances Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On November 17, 2015, the Department of Commerce (the "Department") initiated a changed circumstance review ("CCR") of the antidumping duty ("AD") order on certain steel nails ("nails") from Malaysia. Pursuant to section 751(b) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.216, the Department preliminarily determines that Inmax Sdn. Bhd. ("Inmax Sdn") and Inmax Industries Sdn. Bhd. ("Inmax Industries") (collectively, "Inmax") should be collapsed and assigned the same AD cash deposit rate for purposes of determining AD liability in this proceeding. Interested parties are invited to comment on these preliminary results.

**DATES:** Effective December 6, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Moses Song, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5041.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 13, 2015, the Department published the AD order on nails from Malaysia in the *Federal Register*.<sup>1</sup> On September 2, 2015, Mid Continent Steel & Wire, Inc. ("Petitioner") requested that the Department conduct a CCR, pursuant to section 751(b) of the Act and 19 CFR 351.216, to determine that Inmax Sdn and Inmax Industries should be collapsed and assigned the same AD cash deposit rate assigned to Inmax Sdn.<sup>2</sup> On November 17, 2015, the Department initiated this CCR, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(c) and (d), upon finding that there is sufficient information and "good cause" regarding new trading

<sup>1</sup> See Certain Steel Nails From the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders, 80 FR 39994 (July 13, 2015) ("Order").

<sup>2</sup> See Letter from Petitioner to the Department, regarding "Certain Steel Nails from Malaysia: Request for Changed Circumstances Review," dated September 2, 2015 ("CCR Request").

<sup>13</sup> See 19 CFR 351.212(c).

<sup>14</sup> See 19 CFR 351.106(c)(2).

patterns and possible evasion of the *Order*.<sup>3</sup>

### Scope of the Order

The merchandise covered by the *Order* is certain steel nails having a nominal shaft length not exceeding 12 inches.<sup>4</sup> Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Merchandise covered by this order is currently classified in the Harmonized Tariff System of the United States (“HTSUS”) under subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this order is dispositive.

A complete description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.<sup>5</sup> The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (“ACCESS”). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

<sup>3</sup> See *Certain Steel Nails From Malaysia: Initiation of Antidumping Duty Changed Circumstances Review*, 80 FR 71772 (November 17, 2015) (“Initiation Notice”).

<sup>4</sup> The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

<sup>5</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Moses Song, International Trade Compliance Analyst, Office VI, through Scot Fullerton, Director, Office VI, regarding “Decision Memorandum for the Preliminary Results of the Antidumping Duty Changed Circumstances Review of Certain Steel Nails from Malaysia,” dated concurrently with and hereby adopted in this notice.

### Methodology

We are conducting this CCR in accordance with section 751(b)(1) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

### Preliminary Results of the Changed Circumstances Review

We preliminarily determine that Inmax Sdn and Inmax Industries are affiliated and should be collapsed as a single entity. Specifically, we find that Inmax Sdn and Inmax Industries are directly controlled by Inmax Holding Co., Ltd. (Inmax Holding) as Inmax Sdn and Inmax Industries are both wholly-owned by Inmax Holding, thereby meeting the affiliation criteria in accordance with section 777(33)(F) of the Act. In addition, we find that Inmax Sdn and Inmax Industries should be collapsed because both producers have production facilities for similar or identical products that would not require substantial retooling in order to restructure manufacturing priorities.

Additionally, there is a significant potential for the manipulation of price or production. Regarding a significant potential for the manipulation of price or production, the following criteria are all satisfied: (1) A high level of common ownership; (2) managerial overlap; and (3) intertwined operations. In particular, U.S. Customs and Border Protection (CBP) import data for entries of merchandise under review from the publication date of the preliminary determination of the investigation (*i.e.*, December 29, 2014) to March 31, 2016 (*i.e.*, subsequent to the initiation of this CCR), clearly indicate new trading patterns since the *Order* was issued in July 2015, which has the potential to undermine the efficacy and integrity of the *Order*. Furthermore, we note that the collapsing issue was not thoroughly addressed in the final determination of the investigation and that, based on record evidence, there is a significant potential for future manipulation of price or production of subject merchandise between Inmax Sdn and Inmax Industries. A list of topics discussed in the Preliminary Decision Memorandum appears in the Appendix to this notice.

If the Department upholds these preliminary results in the final results, entries of subject merchandise produced by Inmax Sdn and Inmax Industries will be subject to the AD cash deposit rate

currently assigned to Inmax Sdn (*i.e.*, 39.35 percent).<sup>6</sup>

### Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review in the **Federal Register**.<sup>7</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed by no later than five days after the deadline for filing case briefs.<sup>8</sup> Parties that submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>9</sup> All briefs are to be filed electronically using ACCESS.<sup>10</sup> An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.<sup>11</sup>

Any interested party may submit a request for a hearing to the Assistant Secretary of Enforcement and Compliance using ACCESS within 30 days of publication of this notice in the **Federal Register**.<sup>12</sup> Hearing requests should contain the following information: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.<sup>13</sup> If a request for a hearing is made, parties will be notified of the time and date of the hearing, which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.<sup>14</sup>

### Final Results of the Review

Unless extended, in accordance with 19 CFR 351.216(e), the Department intends to issue the final results of this CCR not later than 270 days after the date on which the review was initiated.

### Notification to Parties

The Department is issuing and publishing these results in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216 and 351.221(c)(3)(i).

<sup>6</sup> See *Certain Steel Nails From Malaysia: Final Determination of Sales at Less Than Fair Value*, 80 FR 28969 (May 20, 2015).

<sup>7</sup> See 19 CFR 351.309(c)(1)(ii). The Department has exercised its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for submission of case briefs.

<sup>8</sup> See 19 CFR 351.309(d)(1).

<sup>9</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>10</sup> See 19 CFR 351.303(b) and (f).

<sup>11</sup> See 19 CFR 351.303(b).

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> Id.

<sup>14</sup> See 19 CFR 351.310(d).

Dated: November 16, 2016.

**Paul Piquado,**  
Assistant Secretary, for Enforcement and  
Compliance.

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Results of the Changed Circumstances Review
  - A. Affiliation
  - Legal Standard Analysis
  - Recommendation
  - B. Collapsing Legal Standard Analysis
  - 1. Affiliation
  - 2. Substantial Retooling of Manufacturing Facilities
  - 3. Significant Potential for Manipulation of Price or Production
  - i. Level of Common Ownership
  - ii. Managerial Overlap
  - iii. Intertwined Operations
- C. Whether the Department Should Collapse Affiliated Parties After the Final Determination of an Investigation and Prior to the First Administrative Review Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF057

### Marine Fisheries Advisory Committee: Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of open public meetings; correction.

**SUMMARY:** This notice corrects the **SUMMARY** section to a notice published on November 25, 2016, which contained incorrect information about what will be discussed at the forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). This correction sets out the **SUMMARY** in full to make it clear that the members will discuss and finalize recommendations on issues and priorities that should be addressed by the incoming Administration.

**DATES:** The meeting is scheduled for December 14, 2016, 2–4 p.m., Eastern Standard Time.

**ADDRESSES:** Public access is available at 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing to participate may contact Heidi Lovett, (301) 427-8034; email: [heidi.lovett@noaa.gov](mailto:heidi.lovett@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Need for Correction

In a notice NMFS published on November 25, 2016, on page 85208, in the third column, revise the **SUMMARY** in its entirety to read as follows:

“This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and finalize recommendations on issues and priorities that should be addressed by the incoming Administration.”

#### Background

The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The charter and other information are located online at <http://www.nmfs.noaa.gov/ocs/mafac/>.

#### Matters To Be Considered

The Committee is convening to discuss and finalize their recommendations on fisheries and living marine resource issues and priorities that should be addressed by the incoming Administration. Other administrative matters may be considered. This date, time, and agenda are subject to change.

#### Time and Date

The meeting is scheduled for December 14, 2016, 2–4 p.m., Eastern Standard Time by conference call. Conference call information for the public will be posted at <http://www.nmfs.noaa.gov/ocs/mafac/> by December 7, 2016.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Heidi Lovett, 301-427-8034 by December 7, 2016.

Dated: December 1, 2016.

**Jennifer Lukens,**

Director for the Office of Policy, National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** National Oceanic and Atmospheric Administration (NOAA).

**Title:** West Coast Region Pacific Coast Groundfish Fishery: Trawl Rationalization Cost Recovery Program.

**OMB Control Number:** 0648-0663.

**Form Number(s):** None.

**Type of Request:** Regular (extension of a currently approved information collection).

**Number of Respondents:** 176.

**Average Hours per Response:** Cost recovery and annual reporting forms, 1 hour; failure to pay reports, 4 hours.

**Burden Hours:** 1,898.

**Needs and Uses:** This request is for an extension of a currently approved information collection.

The Magnuson-Stevens Fishery Conservation and Management Act requires that the Secretary of Commerce maintain a cost recovery program to cover part of the management, data collection, and enforcement costs of the limited access privilege programs, such as the Pacific coast groundfish fishery's trawl rationalization program. This cost recovery program requires fish sellers to submit fees to fish buyers who then submit those fees to the National Marine Fisheries Service (NMFS) and include information about the volume and value of groundfish. Information is collected from monthly and annual reports as well as non-payment documents when necessary.

This program is authorized under the Pacific coast groundfish fishery regulations, trawl rationalization cost recovery program at 50 CFR 660.115.

**Affected Public:** Business or other for-profit organizations.

**Frequency:** Monthly and annually.

**Respondent's Obligation:** Mandatory.

This information collection request may be viewed at [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.